

43 CFR 8372.0-3: Authority, 8372.1-1: Public lands, general, and 8372.3: Issuance of permits; The Wild and Scenic Rivers Act, 16 U.S.C. 1271-1287; the Federal Land Policy and Management Act, 43 U.S.C. 1740.

Dated: September 25, 1998.

KJ Mushovic,

For the Glennallen Management Team.

[FR Doc. 98-26258 Filed 9-30-98; 8:45 am]

BILLING CODE 4310-JA-P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items in the Possession of the U.S. Fish & Wildlife Service, Mesa, AZ

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate cultural items in the possession of the U.S. Fish & Wildlife Service, Mesa, AZ which meet the definition of "object of cultural patrimony" under Section 2 of the Act.

The cultural items are: 30 medicine bags, two fire starter kits, two deer toe rattles, one constellation rattle, two prayer sticks, two animal skin wraps, and two small wooden bows.

Collectively, these items are referred to as *Na'at'oye' jish*, or Shooting/Lightning Way paraphernalia

On July 19, 1996, an undercover Special Agent of the U.S. Fish & Wildlife Service purchased two prayer sticks, an animal skip wrap, and two medicine bags from Neil Hicks, owner of Indian Territory, Tucson, AZ. Mr. Hicks told the Agent at the time of purchase that all items were "Navajo Medicine items." Following the execution of a federal search warrant in November 1996, Special Agents of the U.S. Fish & Wildlife Service recovered the Navajo medicine items listed above. On June 25, 1998, Mr. Neil Hicks, DBA Indian Territory, pled guilty to selling Native American cultural items obtained in violation of the Native American Graves Protection and Repatriation Act (Title 18 USC, Section 1173).

These cultural items were purchased by Mr. Hicks from person(s) unknown who obtained these items in violation of the Act. Consultation evidence presented by representatives of the Navajo Nation indicate that the Lightning Way is one of twelve major chants still performed in the Navajo Nation. Bundles for these Ways should

only be in the possession of a qualified *Hataalii* (chanter, singer, or medicine person) capable of understanding the *jish*. In Navajo tradition, *jish* is only cared for or possessed by a human being, it is not "property" capable of being "owned" in the Western meanings of the words.

Officials of the U.S. Fish & Wildlife Service have determined that, pursuant to 43 CFR 10.2 (d)(4), these 41 cultural items have ongoing historical, traditional, and cultural importance central to the culture itself, and could not have been alienated, appropriated, or conveyed by any individual. Officials of the U.S. Fish & Wildlife Service have also determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these items and the Navajo Nation.

This notice has been sent to officials of the Navajo Nation. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these objects should contact Kevin Ellis, Special Agent, Office of Law Enforcement, U.S. Fish & Wildlife Service, 26 N. MacDonald, Room 105, Mesa, AZ 85201; telephone: (602) 835-8289 before November 2, 1998. Repatriation of these objects to the Navajo Nation may begin after that date if no additional claimants come forward.

Dated: September 28, 1998.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 98-26334 Filed 9-30-98; 8:45 am]

BILLING CODE 4310-70-F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects from Marshall County, OK in the Control of the United States Army Corps of Engineers, Tulsa District, Tulsa, OK

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects from Marshall County, OK in the control of the United States Army Corps of Engineers, Tulsa District, Tulsa, OK.

A detailed assessment of the human remains was made by U.S. Army Corps of Engineers professional staff in consultation with representatives of the Wichita and Affiliated Tribes.

In 1954, human remains representing one individual was excavated at site 34MA1, Lake Texoma, Marshall County, OK during legally-authorized salvage excavations by University of Oklahoma personnel. No known individual was identified. The two associated funerary objects documented with the burial are a stone flake and a shell hoe. During the inventory process, the stone flake could not be located within the collections of the University of Oklahoma.

Based on the cultural material at site 34MA1 in addition to the associated funerary objects, this individual has been determined to be Native American. This cultural material also dates the site to the late prehistoric period, 800-1600 A.D. Based on ceramic types; stone tools, site organization; associated funerary objects; 16th, 17th, and 18th century historic accounts of the aboriginal occupants of the general area; and oral history presented during consultation with representatives of the Wichita and Affiliated Tribes; the Army Corps of Engineers has determined that the human remains and associated funerary objects from site 34MA1 are culturally affiliated with the Wichita and Affiliated Tribes.

In 1954, human remains representing a minimum of six individuals were excavated at site 34MA2, Lake Texoma, Marshall County, OK by University of Oklahoma personnel during legally-authorized salvage excavations conducted by University of Oklahoma personnel. No known individuals were identified. Since 1986, five of these individuals have been in the possession of Dr. Douglas Owsley of the Smithsonian Institution, according to University records. The U.S. Army Corps, Tulsa District, has possession of the sixth individual and other cultural material from site 34MA2. The seven associated funerary objects recorded during the excavations include one stone core, one stone scraper, two stone projectile points, one stone knife, and two bone awls. These objects were not located at the University of Oklahoma during the inventory process.

Based on the cultural material at site 34MA2 in addition to the associated funerary objects, these individuals have been determined to be Native American. This cultural material also dates the site to the late prehistoric period, 800-1600 A.D. Based on ceramic types; stone tools, site organization; associated funerary objects; 16th, 17th, and 18th century historic accounts of the